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PROCEEDINGS

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3 (WHEREUPON, the defendant is present; the jury is

4 | present).

1

- 5 | THE COURT: Good morning, members of the jury.
- 6 | Investigator Moses, I remind you you remain under oath.
- 7 | THE WITNESS: Yes, sir.
- 8 THE COURT: Ms. Kocher, you may proceed.
- 9 MS. KOCHER: Thank you.
- 10 BY MS. KOCHER:
- 11 Q. Good morning.
- 12 A. Good morning.
- 13 Q. Now, Investigator, I believe where we left off yesterday
- 14 | we were discussing your search of bedroom number two, and is
- 15 | that depicted here in Exhibit 578?
- 16 A. Yes, it is.
- 17 Q. And that's the room where you recovered two handguns and
- 18 | walkie-talkies?
- 19 A. That is correct.
- 20 Q. Now, did you also search that closet area that's depicted
- 21 | in Exhibit 578?
- 22 A. Yes, we did.
- 23 | Q. Okay. I'd like to show you Exhibit 579. What is this a
- 24 | photograph of?
- 25 A. The little crawl space that's located inside the closet of

- 1 | the bedroom number two of 292 Barrington Street.
- 2 Q. Okay. And looking at this photograph, is the orientation
- 3 of the photograph correct? By that I mean the green suitcase
- 4 | at the bottom of the photograph, was that below the shelves?
- 5 | Above it?
- 6 A. Yes, it was.
- 7 Q. And what were some of the things you located in this crawl
- 8 | space?
- 9 A. A large amount of U.S. currency, suitcase that contained
- 10 drug paraphernalia.
- 11 Q. How much U.S. currency was recovered from the crawl space?
- 12 A. \$230,060.
- 13 Q. And how was that packaged?
- 14 A. It was vacuum sealed in a bag.
- 15 Q. I'd like to show you Exhibit 608. What is this a
- 16 | photograph of?
- 17 A. A photograph of sparring gloves and inside the sparring
- 18 gloves were cut out little kilo compartments.
- 19 Q. Within those compartments was there anything lining the
- 20 | compartment?
- 21 A. Styrofoam and carbon copy paper.
- 22 Q. And could you please circle the sparring gloves you're
- 23 | discussing? So you've circled the white and gray object
- 24 | that's in the box in the middle of the photograph?
- 25 A. That is correct.

- 1 Q. If you could hit the clear button, please? Next I'd like
- 2 to show you Exhibit 609. What is this a photograph of?
- 3 A. A plastic bag containing paperwork.
- 4 Q. And next I'd like to show you Exhibit 610. Now this is
- 5 again a photograph of that crawl space we were looking at
- 6 | earlier?
- 7 A. That is correct.
- 8 Q. And what is in this photograph?
- 9 A. That is a closer picture of the box that contained the
- 10 | \$230,060.
- 11 | Q. Now, you mentioned that it was vacuum sealed?
- 12 A. That is correct.
- 13 Q. Were there any notes within the box?
- 14 A. Yes, the one note with the 230 on it with the date of
- 15 1/24/18.
- 16 Q. You've circled the white piece of paper on top of the
- 17 | vacuum sealed money in the lower center of the photograph?
- 18 A. Yes.
- 19 Q. If you could clear your mark, please? Next I'd like to
- 20 | show you Exhibit 612. What is this a photograph of?
- 21 A. This is a closer picture of the black bag that contained
- 22 | the drug paraphernalia.
- 23 | Q. Now, did you ultimately collect that item?
- 24 A. Yes, I did.
- 25 | Q. And how did you go about collecting that?

- 1 | A. It was photographed and it was taken back to the Public
- 2 | Safety Building.
- 3 | Q. Was it placed in an evidence bag?
- 4 | A. No, it was not, it was too big for an evidence bag.
- 5 Q. Now, I'd ask you to take a look and see if Exhibit 678 is
- 6 to your left there?
- $7 \mid A$. Yes, it is.
- 8 0. What is Exhibit 678?
- 9 A. This is the black bag that was located at 292 Barrington
- 10 Street in the crawl space area in the upstairs second bedroom.
- 11 | Q. If you wouldn't mind opening Exhibit 678 and let me know
- 12 | if the bag and its contents appear to be in the same or
- 13 substantially same condition as when you collected them that
- 14 | day.
- 15 A. Yes, they do.
- 16 MS. KOCHER: Your Honor, I'd offer Exhibit 678 and
- 17 | its contents.
- 18 MR. VACCA: Objection, Your Honor.
- 19 THE COURT: Overruled. Exhibit 678 will be
- 20 received.
- 21 (WHEREUPON, Government's Exhibit 678 was received
- 22 | into evidence).
- 23 BY MS. KOCHER:
- 24 Q. Investigator, you mentioned that the bag depicted in 612
- 25 and which is also marked as Exhibit 678 contained drug

- 1 | paraphernalia?
- 2 A. That is correct.
- 3 | Q. What sort of items were contained in the bag?
- 4 A. Grinder, the plastic containers and like little small
- 5 packaging for the narcotics.
- 6 Q. Would you mind opening Exhibit 678 and if you could remove
- 7 | the grinder and the plastic container that you just described.
- 8 | What are you holding up in your left hand right now?
- 9 A. This is one of the grinders.
- 10 Q. Okay. And what is in your right hand?
- 11 A. Another grinder.
- 12 | Q. If you could pull out the plastic containers? What are
- 13 | you holding up for the jury right now?
- 14 A. These are the small plastic containers that narcotics are
- 15 packaged in.
- 16 Q. What type of containers are those?
- 17 A. Little small plastic, little spiral-type containers.
- 18 | Q. Is it a bag?
- 19 A. No, like little plastic tabs.
- 20 Q. Like a little vial?
- 21 A. Yes.
- 22 | Q. And you have two -- I don't know if those are quite gallon
- 23 | size bags that you're holding right now, but you have two
- 24 | large bags containing those vials?
- 25 A. That is correct.

- 1 | Q. Approximately how many vials do you think are in those two
- 2 bags?
- 3 A. A thousand in each bag.
- 4 Q. Okay. And is the bag actually marked with a count?
- 5 A. Yes, it is.
- 6 Q. What is the count on the bag?
- 7 A. A thousand.
- 8 Q. So that would be 2,000 total that you're holding right
- 9 now?
- 10 A. That is correct.
- 11 Q. Okay. And, Investigator, based on your training and
- 12 experience what type of narcotics are commonly packaged in
- 13 | those vials?
- 14 MR. VACCA: Objection, Your Honor.
- 15 **THE COURT:** Overruled.
- 16 **THE WITNESS:** Cocaine.
- 17 BY MS. KOCHER:
- 18 | Q. If you want to seal that suitcase back up? I think we're
- 19 done with that. All right, Investigator, I think I skipped
- 20 over Exhibit 611. What is in this photograph?
- 21 A. That is the box that contained the sparring gloves.
- 22 Q. Okay. And are these the same sparring gloves that we
- 23 | observed in a prior photo?
- 24 A. Yes, they are.
- 25 Q. Okay. Now, Investigator, before we move on from the house

- 1 | I'd like to take you back to Exhibit 821. Now, this was one
- 2 of the -- this is the photograph of one of the rifles you
- 3 | recovered from underneath Ms. Poncedeleon's bed?
- 4 A. That is correct.
- 5 Q. Okay. And do you have Exhibit 661 up near you?
- 6 A. Yes, I do.
- 7 Q. Could you please hold that up? And is that that same
- 8 | rifle that's depicted in Exhibit 821?
- 9 A. Yes, it is.
- 10 Q. Now, you're holding the rifle right now, about how long is
- 11 | it in, the one you're holding right now?
- 12 A. Right now it's folded down, so right now it's about 18
- 13 | inches; fully stocked it's almost like 36 inches.
- 14 Q. Okay. Can you explain what the difference is between the
- 15 | way the gun looks that you're holding versus the way it looks
- 16 | in the photograph which is Exhibit 821?
- 17 A. In the photograph it's fully -- it's not stocked right
- 18 | now. The way it's holding out, it's folded down with the tabs
- 19 and the tape over it.
- 20 Q. Okay. So since it has been secured are you able to unfold
- 21 | it so it would be the length that is shown in Exhibit 821?
- 22 A. That is correct.
- 23 Q. Can you demonstrate how it would be unfolded if it wasn't
- 24 rendered safe?
- 25 | A. The top part you would basically just fold it back and it

- 1 becomes the rifle that way.
- 2 | Q. Okay. And that would make it look extended the way that it
- 3 is in Exhibit 821?
- 4 A. That is correct.
- 5 | Q. Okay, thank you. Now, Investigator, I believe you
- 6 mentioned you also searched a vehicle at 292 Barrington
- 7 | Street?
- 8 A. That is correct.
- 9 Q. I'd like to show you Exhibit 634. What vehicle is
- 10 depicted in this photograph?
- 11 A. The Nissan Altima.
- 12 | Q. And is that the vehicle that you searched that day?
- 13 A. Yes, it is.
- 14 Q. Is the Nissan Altima parked in front of 292 Barrington
- 15 | Street in this photograph?
- 16 A. Yes, it is.
- 17 | Q. And that was the same vehicle that Ms. Poncedeleon was in
- 18 when you arrived at the scene?
- 19 A. That is correct.
- 20 Q. What were some of the things you recovered when you
- 21 | searched the Nissan Altima?
- 22 A. 2 kilograms of cocaine, cellular phone and paperwork.
- 23 Q. Now, Investigator, I'd like to show you what's not yet
- 24 | been received into evidence and we'll show you on your monitor
- 25 Exhibit 634 through and including 640. I'm sorry, those are

- 1 | actually already in evidence.
- 2 | Investigator, I'd like to show you Exhibit 635.
- 3 What is depicted in this photo?
- 4 A. That is a U.S. Postal box.
- 5 Q. And was this in the trunk of that Nissan Altima?
- 6 A. Yes, it is.
- 7 | Q. Is this the way the box looked when you opened the truck?
- 8 A. Yes, it was.
- 9 Q. Moving on to Exhibit 636, what is this a photograph of?
- 10 A. This is a close-up picture of the UPS tracking number for
- 11 | the box inside the Nissan Altima.
- 12 | Q. What are the last few digits of that tracking number?
- 13 A. 8024 1504 05.
- 14 Q. Next I'd like to show you Exhibit 637. What is this a
- 15 | photograph of?
- 16 A. The mailing address on the box that was contained in the
- 17 Nissan Altima.
- 18 | Q. And are you able to make out the mailing address?
- 19 A. 15 Harwood, apartment -- I can't see the apartment number,
- 20 but the zip code of 14620.
- 21 Q. Okay. And what was the return address?
- 22 A. From David -- I'll spell it, D-E-N-I-Z-A-C, R-E-S, Manuel
- 23 | Hernandez Rosas, E-D-I-F 8, apartment 72, M-A-Y-A-G-U-E-Z,
- 24 Puerto Rico 00680.
- 25 |Q. Now, Investigator, I'd like to show you Exhibit 795. This

- 1 | is a Postal chart. Do you see the tracking number and the
- 2 | address of 15 Harwood Street on this chart?
- 3 A. Yes, I do.
- 4 Q. And where is it located?
- 5 A. The second from the bottom.
- 6 Q. Okay. And you've circled the entry second from the bottom,
- 7 | the last few digits of the tracking number 1504 05 with the
- 8 address of 15 Harwood Street. And what is the delivery date
- 9 | for that package?
- 10 | A. January 29th, 2018.
- 11 Q. Okay. Thank you. If you could clear your mark? Next I'd
- 12 | like to show you Exhibit 638. What is this a photograph of?
- 13 A. The interior of the box that was located in the Nissan
- 14 | Altima at 292 Barrington Street.
- 15 | Q. And what was inside that Postal box?
- 16 A. 2 kilograms of cocaine.
- 17 | O. And how were they packaged within the box?
- 18 A. They were packaged inside an M&M box and a Skittles box
- 19 | with carbon paper covering it.
- 20 Q. Now, was there also other candy covering those M&M and
- 21 | Skittles boxes?
- 22 A. Yes.
- 23 Q. And are those depicted in Exhibit 638?
- 24 A. Yes, they are.
- 25 Q. I'd like to show you Exhibit 639. What is this?

- 1 | A. That is one of the kilograms of cocaine inside the M&M's
- 2 box covered in the carbon paper.
- 3 Q. And Exhibit 640. Is this a photograph of the other
- 4 kilogram in the Skittles box?
- 5 A. Yes, it is.
- 6 Q. Now, Investigator, was the Postal box addressed to 15
- 7 | Harwood Street that was recovered from the trunk collected as
- 8 evidence?
- 9 A. The top part of the box was.
- 10 Q. Okay. I'd ask you to take a look at Exhibit 689. That
- 11 | should be in the box to your left. You see 689?
- 12 A. Yes, I do.
- 13 | Q. What is that?
- 14 A. That is the top of the box that was located inside the
- 15 Nissan Altima at 292 Barrington Street.
- 16 Q. And how do you know that is the top of the box recovered
- 17 | from the trunk?
- 18 A. It has the matching UPS tracking number on it along with
- 19 the CR number on the bag and the Government Exhibit on it.
- 20 Q. Does that -- the top of the box appear to be in the same
- 21 or substantially the same condition as it was in when you
- 22 | collected it that day?
- 23 A. Yes, it does.
- MS. KOCHER: Your Honor, I'd offer Exhibit 689.
- MR. VACCA: No objection, Your Honor.

- 1 THE COURT: Exhibit 689 will be received.
- 2 (WHEREUPON, Government's Exhibit 689 was received
- 3 | into evidence).
- 4 BY MS. KOCHER:
- 5 Q. Now, were the kilos that were recovered from the M&M and
- 6 | Skittles boxes also collected as evidence?
- 7 A. Yes, they were.
- 8 Q. How did you go about collecting those?
- 9 A. They were secured in evidence bags.
- 10 Q. Were they also marked with the crime report number for
- 11 this incident and the location and date they were seized?
- 12 A. Yes.
- 13 Q. All right. If you could take a look at Exhibit 649? That
- 14 | should be in the box to your left. Do you recognize that
- 15 | item?
- 16 A. Yes, I do.
- 17 | Q. And what do you recognize that to be?
- 18 A. The 2 kilograms of cocaine that was located in the box
- 19 | located inside the Nissan Altima at 292 Barrington Street.
- 20 Q. So the kilo from the Skittles box and the kilo from the
- 21 | M&M box are both in the same bag?
- 22 A. Yes, they are.
- 23 Q. And do those 2 kilos appear to be in the same or
- 24 | substantially the same condition as they were in when you
- 25 | collected them?

- 1 A. Yes, they do.
- 2 Q. Okay. How about the packaging? Does that appear to be the
- 3 same or -- does that appear to be in the same or substantially
- 4 the same condition when you sealed it and turned it into the
- 5 property clerk?
- 6 A. Yes, it does.
- 7 Q. Do you notice anything different about the packaging?
- 8 A. It has the Monroe County Lab sticker on it and the blue
- 9 evidence tape from Monroe County Lab and the Government
- 10 Exhibit sticker on it.
- 11 Q. Other than the lab sticker and the blue lab tape and the
- 12 | Government Exhibit sticker, does it appear to be the same?
- 13 A. Yes, it does.
- 14 Q. Is your seal still intact?
- 15 A. Yes, it is.
- 16 | Q. Now, Investigator, I'd like to show you what's not been
- 17 received in evidence as Exhibit 641 and 644. If you could
- 18 | take a look at those and let me know if you recognize -- I'm
- 19 sorry, 643 would be the last photo.
- 20 **THE COURT:** I'm sorry, which ones?
- 21 MS. KOCHER: 641 through and including 643.
- 22 THE COURT: Thank you.
- 23 MS. KOCHER: Sorry.
- 24 BY MS. KOCHER:
- 25 | Q. Did you have a chance to look at those three photographs?

- 1 A. Yes, I did.
- 2 | Q. And do you recognize what those are?
- 3 A. Paperwork and a cell phone that was located in the Nissan
- 4 | Altima.
- 5 Q. And those are photographs of those items?
- 6 A. Yes, they are.
- 7 | Q. Do those photographs fairly and accurately depict the
- 8 paperwork and the cell phone that were located in the Nissan
- 9 | Altima?
- 10 A. Yes, they do.
- MS. KOCHER: Your Honor, I'd offer Exhibit 641, 642
- 12 and 643.
- 13 MR. VACCA: No objection, Your Honor.
- 14 THE COURT: Exhibits 641, 642 and 643 will be
- 15 received.
- 16 (WHEREUPON, Government's Exhibits 641-643 were
- 17 | received into evidence).
- 18 BY MS. KOCHER:
- 19 Q. I'd like to show you what's been received into evidence as
- 20 Exhibit 641. Ms. Rand, are the jurors' monitors on?
- 21 THE CLERK: No, they're not. There we go.
- 22 MS. KOCHER: Thank you.
- 23 BY MS. KOCHER:
- 24 Q. Investigator, what is depicted in Exhibit 641?
- 25 A. Paperwork that was located in the trunk area of the Nissan

- 1 | Altima at 292 Barrington Street.
- 2 | Q. And was some of that paperwork collected that day?
- 3 A. Yes, it was.
- 4 Q. I'd ask you to take a look in the box to your left for
- 5 Exhibit 684. Do you recognize that item?
- 6 A. Yes, I do.
- 7 | Q. And what do you recognize it to be?
- 8 A. The paperwork that was located in the Nissan Altima.
- 9 Q. In the trunk area of the car?
- 10 A. That is correct.
- 11 Q. I'd also ask you to take a look at what should be in the
- 12 front of that bag and marked Exhibit 684A, B, C, D, E, F, G,
- 13 and H.
- 14 A. I have it.
- 15 Q. Do you recognize those items as well?
- 16 | A. Yes.
- 17 | O. Is that also paperwork that was received -- was recovered
- 18 from the trunk of the Altima on January 29th?
- 19 A. Yes, it is.
- 20 Q. Now, does Exhibit 684, the bag containing all of the
- 21 | paperwork and those documents that are specifically marked --
- 22 some marked with letters, appear to be in the same or
- 23 | substantially the same condition as when they were collected
- 24 on January 29th?
- 25 A. Yes, they do.

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MS. KOCHER: Your Honor, I'd offer Exhibit 684 and its contents which include the exhibits that are sub marked A, B, C, D, E, F, G, and H.

MR. VACCA: Objection, Your Honor.

THE COURT: Objection?
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6 MR. VACCA: Objection, Your Honor.

7 THE COURT: Basis?

8 MR. VACCA: Relevancy.

9 THE COURT: Overruled. Exhibit 684, 684A, 684B,

10 | 684C, 684D, 684E, 684F, 684G, 684H will be received.

11 (WHEREUPON, Government's Exhibits 684, 684A-684H

12 | were received into evidence.)

13 BY MS. KOCHER:

- 14 Q. Investigator, starting with Exhibit 684A -- and all of the
- 15 sub documents have been uploaded into our Trial Director, Your
- 16 | Honor, for everyone to view.
- Now, Investigator, does Exhibit 684A appear to be
- 18 the same copy or a fair and accurate copy of the document that
- 19 is physically marked Exhibit 684A?
- 20 A. Yes, it does.
- 21 | Q. And what are we looking at here?
- 22 A. A name with an address of Karina Lopez Del Valle of 286
- 23 | Garson Avenue, Rochester, New York 14609.
- 24 Q. And if we could move to the second page? What are we
- 25 | looking at here?

- 1 A. Two more mailing addresses addressed to Ingrid V. Mercado
- 2 of 59 Fernwood Avenue, Rochester, New York 14621; and Edgard
- 3 A. Rosario Alvarado of 157 Depew Street, Rochester, New York
- 4 | 14608.
- 5 Q. Now, Investigator, is Exhibit 684A, the physical document
- 6 that you're holding, a two-page document or is it front and a
- 7 | back?
- 8 A. A front and a back.
- 9 Q. Okay. Does the second page we're looking at in Trial
- 10 Director, is that a fair copy of the back of Exhibit 684A?
- 11 A. Yes, it is.
- 12 Q. Now, I'd like to go to Exhibit 795, our Postal chart.
- 13 | Investigator, do you see those addresses listed on this chart?
- 14 | That would be 286 Garson Avenue, 59 Fernwood, and 157 Depew
- 15 | Street?
- 16 A. Yes, I do.
- 17 | Q. You see all three of those listed?
- 18 A. Yes, I do.
- 19 Q. Where is 157 Depew listed?
- 20 A. It is listed fourth from the bottom.
- 21 | Q. Okay. And that's in a purple font?
- 22 A. That is correct.
- 23 Q. Next I'd like to turn to Exhibit 684B. Investigator, what
- 24 | we have loaded up into the Trial Director, does that appear to
- 25 be a fair copy of the physical document you're holding that is

- 1 | marked 684B?
- 2 A. Yes, it is.
- 3 Q. And what is this document?
- 4 A. This is a MoneyGram.
- 5 | Q. And who is the sender listed on this MoneyGram?
- 6 A. Nishayra Gutierrez of 6 Burbank Street, Rochester, New
- 7 | York 14621.
- 8 0. And the first name is N-I-S-H-A-Y-R-A; is that correct?
- 9 A. Yes, it is.
- 10 | Q. And Gutierrez is G-U-T-I-E-R-R-E-Z?
- 11 A. Yes, it is.
- 12 Q. And what was the expected destination address of this
- 13 | MoneyGram?
- 14 A. To a Joannette Silva D-U-M-E-N-G of Puerto Rico for \$1500.
- 15 Q. Next I'd like to show you Exhibit 684C. Is what we've
- 16 uploaded into a Trial Director a fair and accurate copy of the
- 17 | physical document you're holding?
- 18 A. Yes.
- 19 Q. And is this also a MoneyGram?
- 20 A. Yes, it is.
- 21 Q. And is this the sender the same, that Nishayra Gutierrez?
- 22 A. Yes, it is.
- 23 | O. Of 6 Burbank Street?
- 24 A. That is correct.
- 25 | O. Who is the listed receiver on Exhibit 684C?

- 1 | A. I believe it's Cyndia, C-Y-N-D-I-A, Velez, V-E-L-E-Z,
- 2 | Colon, C-O-L-O-N, of Puerto Rico.
- 3 Q. Moving on to Exhibit 684D, is what we've uploaded into the
- 4 | Trial Director a fair copy of the physical document you're
- 5 holding?
- 6 A. Yes, it is.
- 7 Q. All right. What is Exhibit 684D?
- 8 A. It is a RG&E residential service application.
- 9 Q. And who is the applicant name and the address for the
- 10 | service listed on this document?
- 11 A. Leitscha Poncedeleon of 292 Barrington Street, Rochester,
- 12 | New York 14607.
- 13 Q. And is there also a phone number listed here?
- 14 A. Yes, it is area code 585-629-2665.
- 15 Q. And what is the date of this RG&E application?
- 16 | A. 4/21/2017.
- 17 Q. All right. Is there also a date responsible for service
- 18 | listed on the form?
- 19 A. Yes.
- 20 Q. What is that date?
- 21 A. 4/22 of '17.
- 22 Q. Next I'd like to show you Exhibit 684E. Now, is this a
- 23 | fair and accurate copy of the physical document that you're
- 24 | holding and that is marked 684E?
- 25 A. Yes, it is.

- 1 | Q. Is this also an RG&E residential service application?
- 2 A. Yes, it is.
- 3 Q. And who is the billing name and the address of service for
- 4 | this application?
- 5 A. Leitscha Poncedeleon of 820 East Main Street, Apartment 4,
- 6 Rochester, New York 14605. With a phone number of area code
- 7 | 585-685-4661.
- 8 Q. Okay. I'm sorry, what was the apartment number on this
- 9 application?
- 10 A. 14.
- 11 Q. All right. So this application is the same name as the
- 12 | last application we viewed in Exhibit 684D?
- 13 A. Yes, it is.
- 14 | Q. But a different address and a different phone number? If
- 15 you need to go back to the other, let me know.
- 16 A. Same name, different address and different phone number.
- 17 | O. Now, if we could -- what is the date of service for this
- 18 | residential application?
- 19 A. Date of the application was signed was 1/10 of 2018. The
- 20 date of service will be 1/12 of 2018.
- 21 Q. Next I'd like to show you Exhibit 684F. What is this
- 22 | document?
- 23 A. This is a New York State employer information sheet.
- 24 | Q. And is there an employee name on this document?
- 25 A. It is Obed, O-B-E-D, Torres, T-O-R-R-E-S; Garcia,

- $1 \mid G-A-R-C-I-A$.
- 2 Q. Is this exhibit that we've uploaded into Trial Director a
- 3 | fair and accurate copy of the physical document you're
- 4 | holding?
- 5 A. Yes, it is.
- 6 Q. Moving on to Exhibit 684G, is this document that's
- 7 | uploaded into Trial Director also a fair and accurate copy of
- 8 | the physical document you're holding?
- 9 A. Yes, it is.
- 10 Q. And why did you collect this item of evidence?
- 11 A. This document has handwritten drug notes on it.
- 12 | Q. Okay. And it appears to have a date -- a column with a
- 13 date followed by a name and numbers?
- 14 A. That is correct.
- 15 Q. Do you see the subject line at the top of the page?
- 16 A. Yes.
- 17 Q. And what is written right next to subject?
- 18 A. 820 E M Street, which mean East Main Street.
- 19 Q. Next I'd like to have you take a look at Exhibit 684H.
- 20 | Investigator, the document we've uploaded in the Trial
- 21 Director, is that a fair and accurate copy of the physical
- 22 | document you're holding?
- 23 | A. Yes, it is.
- 24 Q. And what is this document?
- 25 A. A Capital One letter addressed to Carlos Figueroa of 6

- 1 | Burbank Street, Rochester, New York 14621.
- 2 Q. All right. Investigator, I'd like to show you Exhibit 642.
- 3 What is this a photograph of?
- 4 A. A weekly planner and notes that were located inside the
- 5 | Nissan Altima at 292 Barrington Street.
- 6 Q. And are we looking at the front passenger seat of the
- 7 | vehicle here?
- 8 A. Yes, we are.
- 9 Q. Next I'd like to show you Exhibit 643. What is depicted
- 10 | in this photograph?
- 11 A. A LG cellular flip phone that was located on the driver's
- 12 | seat of the Nissan Altima at 292 Barrington Street.
- 13 Q. Now, was that flip phone collected as evidence?
- 14 A. Yes, it was.
- 15 | Q. And how did you go about collecting that item?
- 16 | A. It was photographed, collected and placed inside an
- 17 | evidence bag.
- 18 Q. I'd ask you to look in your box to the left there for
- 19 Exhibit 669. Do you recognize that item?
- 20 A. Yes, I do.
- 21 Q. And what is it?
- 22 A. This is the LG flip phone that was taken from the Nissan
- 23 | Altima at 292 Barrington Street.
- 24 Q. Is the physical item that you're holding and that's marked
- 25 | Exhibit 669 the same phone that's depicted in Exhibit 643?

- 1 A. Yes, it is.
- 2 | Q. And how do you know that's the same phone?
- 3 A. It's in the evidence bag with my name, my initials and the
- 4 | CR number.
- 5 Q. Does that item appear to be in the same or substantially
- 6 the same condition as it was in when you collected it?
- 7 A. Yes, it does.
- 8 Q. Okay. Do you notice anything different about the phone
- 9 | itself or the packaging that contains the phone?
- 10 A. It has Scottie Ferro's initials on it along with
- 11 | Government's Exhibit 669 on it.
- 12 Q. Okay. Does your seal appear to be intact?
- 13 A. Yes, it does.
- 14 Q. Other than the Government Exhibit sticker and Investigator
- 15 | Ferro's initials, does it appear to be the same?
- 16 A. Yes, it does.
- 17 Q. Okay. Now, Investigator, I'd like to show you another
- 18 piece of paperwork that should be in the box to your left
- 19 marked Exhibit 690. Do you recognize what that is?
- 20 A. Yes, I do.
- 21 Q. What is it?
- 22 A. This is a United States Postal receipt.
- 23 | O. And where was that recovered from?
- 24 A. From Leitscha Poncedeleon.
- 25 Q. And how do you recognize that Postal receipt?

- 1 A. It is inside a evidence bag with my name and a CR number
- $2 \mid on it.$
- 3 Q. So that's another piece of paperwork that you collected
- 4 | that day?
- 5 A. Yes, it is.
- 6 Q. Does it appear to be in the same or substantially the same
- 7 | condition as it was in when you collected it on January 29th?
- 8 A. Yes, it does.
- 9 MS. KOCHER: Your Honor, I'd offer Exhibit 690.
- 10 MR. VACCA: Objection, Your Honor, foundation and
- 11 | relevancy.
- 12 **THE COURT:** Overruled. Exhibit 690 will be
- 13 received.
- 14 (WHEREUPON, Government's Exhibit 690 was received
- 15 | into evidence).
- 16 MS. KOCHER: Your Honor, we have uploaded
- 17 Exhibit 690 into the Trial Director.
- 18 THE COURT: Thank you.
- 19 BY MS. KOCHER:
- 20 Q. Investigator, does the document we uploaded appear to be a
- 21 | fair and accurate copy of the physical document you were just
- 22 | holding?
- 23 A. Yes, it does.
- 24 | Q. Okay. We've zoomed in on the top third of Exhibit 690.
- 25 | What is this document?

- 1 | A. This is a Postal receipt.
- 2 | Q. What is this a Postal receipt from?
- 3 A. It is a receipt given from the post office when packages
- 4 are sent or are sent out and charged for.
- 5 Q. Okay. And can you tell the date and the time that this
- 6 receipt was printed?
- 7 A. January 25th, 2018 at 1:10 p.m.
- 8 Q. And is the location of the post office also depicted on
- 9 | this receipt?
- 10 A. Westgate Plaza at 1485 Howard Road, Rochester, New York
- 11 | 14624.
- 12 Q. Now, does this receipt also indicate what it was a receipt
- 13 | for?
- 14 A. For 3 day packages.
- 15 Q. Okay. How many packages?
- 16 A. Two packages.
- 17 Q. Are there tracking numbers listed on the receipt?
- 18 | A. Yes, they are.
- 19 Q. And what are those two tracking numbers?
- 20 A. The one on the top is 9505 5134 3123 8025 1837 72. And
- 21 | the second one is 9505 5134 3123 8025 1837 89.
- 22 Q. And would you mind circling where those tracking numbers
- 23 | are located that you just read? The monitor is not responding
- 24 to you?
- 25 A. No, ma'am.

- 1 Q. Okay. Now, are they both listed right under the words USPS
- 2 tracking number?
- 3 A. Yes, they are.
- 4 | Q. One is about halfway down, the zoomed in section, and the
- 5 other is closer to the bottom?
- 6 A. Yes.
- 7 Q. Okay. Now, Investigator, I'd like to have you take a look
- 8 at Exhibit 346 which has been received into evidence. If we
- 9 can zoom in on the upper right portion of this photograph?
- 10 Investigator, does this appear to be a photograph of a Postal
- 11 | package?
- 12 A. Yes, it does.
- 13 Q. Okay. We've zoomed in on the upper right corner that
- 14 | includes a tracking number. Do you see either of those
- 15 tracking numbers from the Postal receipt that you recovered
- 16 from Ms. Poncedeleon on this photograph?
- 17 A. Yes, I do.
- 18 Q. Okay. And is that the tracking number that ends in 1837
- 19 | 72?
- 20 A. That is correct.
- 21 | Q. Okay. Now, we're looking at the full photograph of 346.
- 22 | Investigator, where was this package addressed to and who was
- 23 | the sender?
- 24 A. The sender was Alexis Torres of 229 Rugby Avenue,
- 25 Rochester, New York 14619. It was shipped to or addressed to

- 1 | a Freddie Silva of Calle Wilson F-8 of P-A-R-C-E-L-A-S
- $2 \mid C-A-S-T-I-L-L-O$ to M-A-Y-A-G-U-E-Z, Puerto Rico 00680.
- 3 | Q. Next I'd like to show you Exhibit 360. Is this also a
- 4 | photograph of a Postal package with the same sender
- 5 information that Alexis Torres of 229 Rugby Avenue and the
- 6 recipient address is Freddie Silva of Puerto Rico?
- 7 A. That is correct.
- 8 Q. Okay. If we could zoom in on the upper right corner of the
- 9 | photograph? Do you see the tracking number associated with
- 10 | this package?
- 11 A. Yes, I do.
- 12 | Q. And does that tracking number also appear on the Postal
- 13 | receipt that was marked Exhibit 690?
- 14 A. Yes, it does.
- 15 Q. And are the ending digits 1837 89?
- 16 A. Yes, it is.
- 17 MS. KOCHER: Can I just have a moment, Your Honor?
- 18 | Thank you, Investigator. I don't have any further questions.
- 19 CROSS-EXAMINATION
- 20 BY MR. VACCA:
- 21 Q. Investigator, did you prepare a Rochester Police
- 22 Department incident report with respect to this matter?
- 23 A. Yes, I did.
- 24 Q. Did you review it prior to testifying today?
- 25 A. Yes, I did.

- 1 | Q. Okay. Do you have that with you --
- 2 A. No, I do not.
- 3 Q. -- to refer to? Okay. But you did review the report,
- 4 | correct?
- 5 A. Yes, I did.
- 6 Q. And did you review the search warrants prior to the
- 7 execution of the search warrants?
- 8 A. Yes, I did.
- 9 Q. There were three search warrants for this property,
- 10 | correct?
- 11 A. That I am unsure of. I believe maybe two.
- 12 Q. Well, you indicated you did review the -- you did review
- 13 the search warrants prior to the execution, correct?
- 14 A. That is correct.
- 15 Q. And the search warrants that I'm referring to were signed
- 16 by the Honorable Victoria Argento, County Court Judge,
- 17 | 1/27/18, correct?
- 18 A. I'll have to see the document.
- 19 MR. VACCA: Your Honor, if I may approach?
- 20 THE COURT: Yes, yes, you can.
- MR. VACCA: Thank you.
- 22 **THE COURT:** Is this marked?
- MR. VACCA: It's not marked.
- 24 THE COURT: Let's mark it.
- MR. VACCA: I have another package I want to show

- 1 | him too, Judge, it's an incident report we just referred to.
- 2 | Should I have that marked separately?
- 3 THE COURT: Sure.
- 4 BY MR. VACCA:
- 5 Q. Investigator, I'm going to show you Defense Exhibit 1000
- 6 marked for identification and ask you if you can identify
- 7 that.
- 8 A. This is the search warrant signed by Victoria Argento.
- 9 Q. Could you tell how many there are?
- 10 A. How many pages?
- 11 | Q. No, how many warrants there are?
- 12 A. This is a search warrant for the -- this is for 292
- 13 | Barrington Street and Roberto Figueroa.
- 14 Q. Okay. And there should be a third one there too.
- 15 A. Are these copies of the same warrant or different
- 16 | warrants?
- 17 | Q. Let me see. So there are three warrants there; is that
- 18 | correct?
- 19 A. Yes, I'm sorry, yes, sir.
- 20 Q. There's one for Roberto Figueroa, correct?
- 21 A. That is correct.
- 22 Q. That's for his person, correct?
- 23 A. That is correct.
- 24 Q. And there is one for Roberto Figueroa; is that correct?
- 25 A. That is correct.

- 1 | Q. And there's one for 292 Barrington; is that correct?
- 2 A. That is correct.
- 3 Q. Now, is there a search warrant for the person of Carlos
- 4 | Figueroa there?
- 5 A. No, sir.
- 6 Q. Do you know if you were presented one prior to the
- 7 execution of the search warrant?
- 8 A. I don't believe I was presented with one, no.
- 9 Q. So Carlos Figueroa was never named on these three search
- 10 | warrants, correct?
- 11 A. May in the body of the search warrant. Those are just the
- 12 | front pages of the search warrant.
- 13 Q. Talks about the body of the search warrant?
- 14 A. Right.
- 15 Q. Body of the individual?
- 16 A. The name may have been in the affidavit. That's just the
- 17 | search warrant.
- 18 | Q. Right. But Carlos Figueroa is not named in any of these
- 19 three search warrants, correct?
- 20 A. The front copies of the search warrants, no.
- 21 Q. There's no front copy here?
- 22 A. That's -- there's an affidavit and that's just the search
- 23 | warrant.
- 24 Q. As far as the actual search warrant goes, there is no
- 25 | search warrant that authorizes search of Carlos; is that

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1 | correct?
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- 2 A. That is correct.
- 3 Q. That's correct. And I'm going to show you and ask you
- 4 | what this is -- this is Defense 1001 -- and ask you if you can
- 5 | identify that?
- 6 MS. KOCHER: Objection, Your Honor.
- 7 THE COURT: He can generally say what it is. What
- 8 is it, 1001?
- 9 MR. VACCA: This is 1001A. 1001A.
- 10 MS. KOCHER: I'm sorry, 1001A?
- 11 | THE COURT: There is no 1001; is that right?
- 12 | MR. VACCA: There is 1000 and 1001A.
- THE COURT: Okay, thank you.
- 14 BY MR. VACCA:
- 15 Q. Is that the report that you filled out --
- 16 A. This is 1001.
- 17 | O. -- right? Okay. The report is 1001?
- 18 THE COURT: I'm sorry, I'm really confused now. The
- 19 | report is 1001?
- MR. VACCA: The report is 1001 and 1001A because I'm
- 21 giving him one to refresh his recollection.
- MS. KOCHER: Judge, I don't believe he needed his
- 23 | recollection refreshed. I believe he needed his recollection
- 24 refreshed on the date that the warrants were signed and that
- 25 | question wasn't even asked by Mr. Vacca.

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THE COURT: Okay. Let's get this clear first,
 1
 2
   though. What is 1001?
                MR. VACCA: 1000 is the search warrant.
 3
                THE COURT: 1001?
 4
 5
                MR. VACCA: 1001 is his incident report as well as
   his report regarding the evidence.
 6
                THE COURT: Okay. What is 1001A?
 7
                MR. VACCA: 1001A is the same document.
 8
 9
                THE COURT: Why are we marking it 1001A then?
10
                MR. VACCA: Because he has a copy and I have a
11
   copy. So I didn't know if you needed him -- you don't mark
12
   that way? You want to do just 1001 and just keep that --
13
                THE COURT: It's the same document?
14
                MR. VACCA: It is the same document.
15
                THE COURT: Only mark it once.
                MR. VACCA: It's the same document.
16
17
                THE COURT: Okay.
18
                MR. VACCA: Okay. You got it, right ?
19
                THE WITNESS: Yes, sir.
20
                MR. VACCA: Hang on to it.
21
   BY MR. VACCA:
22
        Okay. Sir, now with respect to the incident report do you
23
   have that in front of you?
24
        I'm sorry, I couldn't hear.
25
        The incident report, do you have that in front of you?
```

- 1 A. Yes, I do.
- 2 | Q. Okay. I'm going to ask you how many pages is this incident
- 3 | report?
- 4 | A. 12 pages.
- 5 Q. 12 pages. Is there also a report that you prepared
- 6 regarding your listing of the evidence that was taken from the
- 7 | home?
- 8 A. Yes, it is.
- 9 Q. Okay. And how many pages is that?
- 10 A. Seven pages.
- 11 Q. Seven pages, okay. Now, with respect to the first page of
- 12 | the incident report, what property does it list?
- MS. KOCHER: Objection.
- 14 THE COURT: Sustained.
- MR. VACCA: Your Honor, I couldn't hear.
- 16 THE COURT: Sustained. He can't just read from the
- 17 | report.
- 18 MR. VACCA: Right.
- 19 BY MR. VACCA:
- 20 Q. Okay. So do you remember what address this incident
- 21 | related to?
- 22 A. 292 Barrington Street.
- 23 | Q. Okay. And did you fill out the form of the incident
- 24 | report?
- 25 A. Yes, I did.

- 1 Q. Okay. And whose name is listed on that incident report?
- 2 MS. KOCHER: Objection.
- 3 | THE COURT: I'll overrule the objection. You can
- 4 | answer that.
- 5 THE WITNESS: Me. My name is on the report.
- 6 BY MR. VACCA:
- 7 Q. When did you fill this report out?
- 8 A. It was done on the day of January 29th, 2018.
- 9 Q. Okay. At the bottom of the page it has your name and
- 10 | January 31st of 2018?
- 11 A. That is correct.
- 12 | O. And what date does that reflect?
- 13 A. January 31st, that's the date it was printed.
- 14 Q. Okay. So you filled it out and then you sent it out for
- 15 | printing?
- 16 A. Well, once you -- we do the report, then it's printed out,
- 17 | they're printed out.
- 18 Q. Okay. So that report was dated 1/29/18?
- 19 A. The date I did the report was 1/29/18. The date I printed
- 20 | it out from the computer was 1/31/2018.
- 21 Q. Who was the suspect in that report?
- 22 MS. KOCHER: Objection.
- THE COURT: Overruled. Go ahead.
- 24 **THE WITNESS:** Roberto Figueroa.
- 25 BY MR. VACCA:

- 1 Q. Okay. Then we go to the next page and is it the same
- 2 | thing with that? That it was filled out on the 29th and then
- 3 | it was printed out on the 31st?
- 4 A. That is correct.
- 5 Q. Okay. So if you continue with the report and go to the
- 6 report relating to the evidence, which is one of seven, what
- 7 property is listed?
- 8 MS. KOCHER: Objection.
- 9 THE COURT: Yes, sustained. That's not the proper
- 10 way to ask the question. You can ask him what property is
- 11 listed. If he doesn't remember, then you can refresh his
- 12 | recollection.
- 13 BY MR. VACCA:
- 14 | Q. Do you remember what property this related to?
- 15 A. I guess I don't understand what you're asking.
- 16 Q. What property did this relate to? The items that you
- 17 | confiscated?
- 18 A. Located at 292 Barrington Street.
- 19 Q. Okay. And that report that you filled out, does that list
- 20 | all the items that you confiscated?
- 21 A. Yes, it does.
- 22 Q. Okay. And in the report you listed -- did you list a Felix
- 23 | Figueroa?
- MS. KOCHER: Objection.
- 25 **THE COURT:** Overruled.

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1 | THE WITNESS: Yes, on page 1 and 2 and 3.
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- 2 BY MR. VACCA:
- 3 Q. Okay. Did you list a Leitscha Poncedeleon?
- 4 MS. KOCHER: Objection.
- 5 THE COURT: Overruled.
- 6 THE WITNESS: Yes, I did.
- 7 BY MR. VACCA:
- 8 Q. Did you list a Roberto Figueroa?
- 9 MS. KOCHER: Objection.
- 10 **THE COURT:** Overruled.
- 11 **THE WITNESS:** Yes, I did.
- 12 BY MR. VACCA:
- 13 Q. Did you list a Carlos Figueroa at any point?
- 14 MS. KOCHER: Objection.
- 15 **THE COURT:** Overruled.
- 16 THE WITNESS: No, I did not -- I'm sorry, yes.
- 17 BY MR. VACCA:
- 18 | O. Where was that?
- 19 A. The second from the last page.
- 20 Q. Okay. And it looks like you wrote over something there?
- 21 A. That is correct.
- 22 MS. KOCHER: Objection. Your Honor, this document's
- 23 | not in evidence.
- 24 THE COURT: Yes, sustain the objection, form of the
- 25 question.

BY MR. VACCA:

- 2 Q. Okay. Investigator, do you remember all the contents of
- 3 your incident report that you prepared with respect to this
- 4 | matter?
- 5 A. Yes, sir.
- 6 O. You remember all of them?
- 7 A. By reviewing my report, yes.
- 8 Q. By reviewing your report. And does it refresh your
- 9 recollection when you review the report?
- 10 MS. KOCHER: Objection.
- 11 **THE COURT:** As to what?
- 12 MR. VACCA: As to the contents of the evidence
- 13 list.
- 14 THE COURT: That's not proper. Sustain the
- 15 | objection.
- 16 BY MR. VACCA:
- 17 Q. Did you also execute a search warrant with respect to any
- 18 | vehicles?
- 19 A. Yes, we searched the Nissan Altima.
- 20 Q. And was Carlos Figueroa at this premise when you executed
- 21 | the search warrant?
- 22 A. No, he was not.
- 23 Q. Okay. And was Leitscha Poncedeleon there?
- 24 A. Yes, she was.
- 25 | Q. And how about Roberto Figueroa?

- 1 A. Yes, he was.
- 2 | Q. And how about a Felix Figueroa?
- 3 A. I don't believe so.
- 4 Q. Where did you get the name Felix Figueroa?
- 5 MS. KOCHER: Objection.
- 6 THE COURT: Overruled.
- 7 THE WITNESS: From one of the case agents.
- 8 BY MR. VACCA:
- 9 Q. They told you the name was Felix Figueroa?
- 10 A. I think we talked about the name and we were going back
- 11 and forth what the name was.
- 12 Q. Okay. So you weren't sure of the name?
- 13 A. That is correct.
- 14 Q. Okay. And how many weapons did you confiscate?
- 15 A. Eight total.
- 16 Q. Eight weapons total?
- 17 A. That is correct.
- 18 Q. Okay. And they were where? In the house?
- 19 A. In the bedroom number one, in Leitscha's bedroom.
- 20 Q. Under the bed?
- 21 A. That is correct. And also the bedroom -- the second
- 22 bedroom.
- 23 Q. When you entered the premises where was Roberto Figueroa
- 24 | located?
- 25 A. He was coming out of the bathroom.

- 1 Q. Okay. And where was Leitscha Poncedeleon?
- 2 A. She was secured as she was coming out of the Nissan
- 3 | Altima.
- 4 Q. So she was outside?
- 5 A. That is correct.
- 6 Q. All right. And Carlos Figueroa was not there?
- 7 A. No, sir.
- 8 Q. Okay. Now, with respect to the weapons, did you secure all
- 9 | the weapons?
- 10 A. Yes, I did.
- 11 Q. Okay. And were you the one that put the tie on it to make
- 12 | it safe?
- 13 A. No I believe that was done at the Technicians' Office.
- 14 Q. Did you turn this evidence in to the Property Clerk's
- 15 Office?
- 16 A. Yes.
- 17 Q. What day did you turn in the weapons?
- 18 A. The same day that we confiscated them.
- 19 Q. Okay. Now, did you dust for fingerprints with respect to
- 20 | that search warrant?
- 21 A. The technician did. Not me.
- 22 Q. Do you know where the technician dusted for fingerprints?
- 23 A. At -- at the Technicians' Office.
- 24 | Q. Okay. So it was brought back to the Technicians' Office?
- 25 A. That is correct.

- 1 | Q. Do you know if anything of value was obtained from the
- 2 | fingerprint?
- $3 \mid A$. No, sir.
- 4 Q. Okay. And was there any -- also any type of swabbing for
- 5 DNA?
- 6 A. Yes, there was.
- 7 Q. And what did you do with the swabbing for the DNA?
- 8 A. I didn't do it. Officer Carbonel submits it.
- 9 Q. Okay. Do you remember where in the office she swabbed for
- 10 DNA?
- 11 A. It was not done at the house.
- 12 Q. It was done at the property -- at the fourth floor?
- 13 A. Technicians' Office.
- 14 Q. The Technicians' Office. Okay. Were you present when
- 15 | that was done?
- 16 | A. Yes, I was.
- 17 | Q. And do you know what was swabbed?
- 18 A. She swabbed the weapons for DNA and fingerprints. That
- 19 was it.
- 20 Q. Okay. And you don't know what the results were, correct?
- 21 A. It didn't come back of any value.
- 22 Q. So you know it came back nothing of value?
- 23 A. That is correct.
- 24 Q. How about in the house? Did you dust anything in the
- 25 | kitchen?

- 1 | A. No, we did not.
- $2 \mid Q$. How about the bathroom?
- 3 A. No, we did not.
- 4 Q. How about Leitscha Poncedeleon's bedroom?
- 5 A. No, we did not.
- 6 Q. Okay. So it was just the weapons that were swabbed?
- 7 A. That is correct.
- 8 Q. Now, did you take -- did you take anyone yourself into
- 9 | custody?
- 10 A. No, I did not.
- 11 Q. Any of the items that you listed, such as the large Postal
- 12 boxes, the boxes of candy, did you do any testing on them?
- 13 A. No, we did not.
- 14 Q. Now, were there closed boxes in the property? I believe
- 15 | you said there were -- I think on direct you said there were
- 16 | four boxes?
- 17 A. Postal boxes.
- 18 Q. Four Postal boxes?
- 19 A. In the basement.
- 20 Q. In the basement, right. How many were closed up or
- 21 | sealed?
- 22 A. They were closed. Not sealed.
- 23 Q. Okay. Did you open them up?
- 24 A. Yes, we did.
- 25 Q. And for lack of a better situation, what did the first box

- 1 | show, if anything?
- 2 MS. KOCHER: Objection. I don't know how we're
- 3 | determining which is the first box.
- 4 THE COURT: Yes, sustained.
- 5 MR. VACCA: That was going to be my next question.
- 6 BY MR. VACCA:
- 7 | Q. How did you organize the boxes and decide which was which?
- 8 MS. KOCHER: Objection.
- 9 THE COURT: Overruled. You can answer that.
- 10 **THE WITNESS:** I don't think I can answer that.
- 11 THE COURT: Okay. That's fine. That's the answer.
- 12 | BY MR. VACCA:
- 13 Q. Okay. Now, what did you find in the boxes?
- 14 A. Boxes of candy that were consistent with the box in the
- 15 Nissan Altima that contained the 2 kilos of cocaine.
- 16 Q. All right. Now, the box in the Nissan, is that a fifth
- 17 | box?
- 18 A. That is correct.
- 19 0. A fifth box. And what was done with the box in the
- 20 Nissan?
- 21 A. We just took the top for the address, the mailing address.
- 22 Q. Okay. Did you open the box up?
- 23 A. Yes, we did.
- 24 Q. What did you find inside the box that was in the trunk of
- 25 | the car of the Nissan Altima?

- 1 A. 2 kilograms of cocaine.
- 2 Q. And where was that located? Was it in another box or
- 3 anything?
- 4 A. Which box are we talking about?
- 5 | Q. We're talking about the box in the trunk of the car.
- 6 A. The cocaine came from the box in the trunk.
- 7 | Q. Did you look in that box while you were at 292 Barrington
- 8 | Street or did you take it back to the police department?
- 9 A. No, while at 292 Barrington Street.
- 10 Q. You put that in evidence?
- 11 A. Yes, we did.
- 12 Q. Do you know if any tests were performed on that big box
- 13 | that was in the trunk?
- 14 A. No testing was done.
- 15 Q. And there was tape on it, right?
- 16 A. That is correct.
- 17 Q. That is tape. And did you test the tape for fingerprints?
- 18 A. No, we did not.
- 19 Q. You know sometimes on a piece of paper you can leave a
- 20 | fingerprint?
- 21 A. I'm not a technician, so I don't know.
- 22 Q. Do you know if it was dusted for that?
- 23 A. No, sir.
- 24 Q. Okay. So then there's four other boxes, correct?
- 25 A. That is correct.

- 1 | Q. And where are they located?
- 2 A. In the basement of the location.
- 3 Q. And all four of them in the basement?
- 4 A. That is correct. I'm sorry, there was another box in the
- 5 garage, but we didn't take that box.
- 6 Q. So that would make six boxes. One in the trunk of the
- 7 | car?
- 8 A. That is correct.
- 9 Q. Okay. One in the garage and you didn't take the one in the
- 10 | garage?
- 11 A. No, we did not.
- 12 | Q. Do you know if any tests were performed on that?
- 13 A. No, there was not.
- 14 Q. Okay. Then there's four in the basement?
- 15 A. That is correct.
- 16 Q. Where are they in the basement?
- 17 A. Like what --
- 18 Q. Are they next to each other?
- 19 A. Three were stacked and one was like off to the side.
- 20 Q. Okay. The three that were stacked, okay? Did you open
- 21 | them up?
- 22 A. Yes, we did.
- 23 | Q. Okay. Which one did you open first?
- 24 A. I don't know which one we opened first.
- 25 Q. Okay. Did you find anything in those boxes that were in

- 1 | the basement?
- 2 A. Other than the boxes of candy with the M&M's and the
- 3 | Skittles and the marshmallow candy that was consistent with
- 4 | the candy inside the box that was inside the Nissan Altima.
- 5 Q. Did you find any drugs or any weapons in the box?
- 6 A. No, we -- not in the basement, no.
- 7 Q. Not in the basement, just the one that was in the trunk of
- 8 | the Altima?
- 9 A. That is correct.
- 10 Q. When you arrested Ms. Poncedeleon you indicated it was an
- 11 | outside arrest, correct?
- 12 A. It was during the execution of a search warrant.
- 13 | Q. Right. Did you put her in custody while she was outside?
- 14 A. I didn't. The uniform officer took her into custody.
- 15 Q. They took her in custody outside?
- 16 A. That is correct.
- 17 Q. She was searched?
- 18 A. I didn't search her, so I don't know who searched her.
- 19 Q. Were any additional tests performed with those boxes?
- 20 MS. KOCHER: Objection. Which boxes?
- 21 BY MR. VACCA:
- 22 Q. Boxes in the basement?
- 23 A. No, sir.
- 24 | Q. Did you turn all these weapons in for testing?
- 25 A. Yes, we did.

- 1 | Q. Were you involved in that process at all? The testing of
- 2 | the weapons?
- 3 A. At the lab, no, sir.
- 4 | Q. Okay.
- 5 MR. VACCA: Thank you very much, Agent.
- 6 REDIRECT EXAMINATION
- 7 BY MS. KOCHER:
- 8 Q. Investigator Moses, Mr. Vacca asked you what documents you
- 9 reviewed before testifying today and you mentioned search
- 10 | warrants?
- 11 A. That is correct.
- 12 Q. Were those the search warrants associated with your search
- 13 at 292 Barrington Street on January 29th, 2018?
- 14 A. That is correct.
- 15 Q. Were there other teams that were assigned to execute
- 16 | warrants at other locations that day?
- 17 A. That is correct.
- 18 Q. Do you know about how many other locations were searched?
- 19 A. Several other locations.
- 20 MS. KOCHER: Thank you, Investigator. Nothing
- 21 further.
- 22 **THE COURT:** Anything further?
- 23 | MR. VACCA: Nothing further, Judge.
- 24 THE COURT: Thank you very much. You may step down.
- 25 | Thank you.

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                (WHEREUPON, the witness was excused).
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 3
                         CERTIFICATE OF REPORTER
 4
 5
              In accordance with 28, U.S.C., 753(b), I certify that
    these original notes are a true and correct record of
 6
 7
   proceedings in the United States District Court for the
 8
   Western District of New York before the Honorable Frank P.
 9
   Geraci, Jr. on May 26th, 2021.
10
11
    S/ Christi A. Macri
12
    Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)
    Official Court Reporter
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